

REMARKS

Entry of the above amendments and reconsideration of this application are respectfully requested. Upon entry of the amendments, this application will contain claims 1-38 and 49-64 pending and under consideration. Of these, claims 1-38 and 49-57 are original or currently amended, and claims 58-64 are new claims. Illustrative support for the amendments is found as follows:

Claim 1	Page 6, line 22
Claim 6 and 7	Page 9, lines 1-5
Claim 49	Original claim 53
Claims 51 and 52	Page 9, lines 1-5
Claim 53	Page 7, lines 18-21
Claim 58	Page 7, lines 18-21; Page 9, lines 1-5; Page 8, lines 8-10; Page 16, lines 18-20
Claim 59	Page 6, line 22
Claims 60 and 61	Page 16, line 20
Claim 62	Page 9, lines 3-5
Claim 63	Page 4, lines 10-11
Claim 64	Page 6, line 22

It is therefore submitted that the amendments introduce no new subject matter and their entry and consideration is requested.

Claims 1-17, 19-23, 26-28, 31, and 49-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sybert et al. This rejection is respectfully traversed to the extent maintained against any remaining claim.

First, with regard to claim 1 and its dependent claims 2-17, 19-23, 26-28 and 31, Sybert et al. does not teach or suggest the use of a plasticizer in a composition as claimed. Accordingly, Sybert cannot render these claims obvious in a proper analysis under 35 U.S.C. § 103(a).

Second, with regard to independent claim 49 and its dependent claims 50-57, Sybert et al. fails to teach or suggest DBM in the form of DBM particles

dispersed within the collagen protein in a composition as claimed. In this regard, one skilled in the art reviewing the present specification and claims would not conclude that the collagen protein is the same material as the DBM. The materials are separately identified and recited in the application and claims. Further, the teachings of Sybert et al. with regard to the incorporation of collagen into its implants are very limited. Specifically, Sybert et al. only very generally teach a laundry list of things that might be incorporated in or associated with "mineralized or demineralized elongated bone section(s)" (see Paragraph 62 of Sybert et al.). Among this laundry list is collagen. However, Sybert et al. fails to teach a composition as claimed having "DBM in the form of DBM particles dispersed within the collagen protein". Accordingly, not only is there minimal reference to collagen in the Sybert et al. reference, but also it is referenced only in connection with its use with "mineralized or demineralized elongated bone sections", and not in compositions having the presently claimed combination of features.

For the foregoing reasons, reconsideration and withdrawal of the rejections of claims 1-17, 19-23, 26-28, 31 and 49-57 over Sybert et al. are hereby requested.

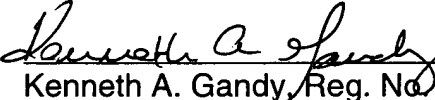
In the remainder of the rejections set forth in the Office Action, various dependent claims are rejected under 35 U.S.C. § 103 as being obvious over Sybert et al. in combination with selected ones of several secondary references, including Simpson et al., Fang et al., Bucala et al., Chilkoti et al., and Boyce et al. In each case, the secondary reference is relied upon as teaching a specific crosslinking agent or material for incorporation in the composition. None of these references, alone or combined with the primary Sybert et al. reference, positively motivates one of ordinary skill in the art to make the combination of features provided in independent claim 1 as amended or independent claim 49 as amended and the respective dependent claims against which the references are

applied. Accordingly, it is submitted that the various rejections of dependent claims under 35 U.S.C. § 103 are also overcome and should be withdrawn.

As noted above, new claims 58-64 have been added to the application. These claims are likewise believed to be patentable over the applied references. Accordingly, favorable consideration and allowance of these claims is solicited.

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance containing claims 1-38 and 49-64. Prompt such action is requested. The Examiner is invited to telephone the undersigned attorney if there are any questions about this Amendment and Reply or other matters that might be handled in that fashion to expedite the allowance of this application.

Respectfully Submitted,

By: 
Kenneth A. Gandy, Reg. No. 33,386
Woodard, Emhardt, Moriarty,
McNett & Henry
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

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